

UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF NEW YORK

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MARCUS REYES,

Plaintiff,

-against-

CITY OF NEW YORK, AMADO BATISTA  
(SHIELD NO. 2455) UNDERCOVER #036  
(SHIELD NO. 4362), SGT. TIMOTHY DEEVY  
(SHIELD NO. 2807), DETECTIVE DANIEL  
HOWELL (SHIELD NO. 7279), DETECTIVE  
MANUEL SANCHEZ (SHIELD NO. 7110),  
DETECTIVE GREGORY PERPALL (SHIELD NO.  
394), DETECTIVE ANTHONY SCHAFER  
(SHIELD NO. 6513), DETECTIVE ALBERT  
ROMAN (SHIELD NO. 3183).

Defendants.

**STIPULATION AND  
ORDER OF  
SETTLEMENT AND  
DISMISSAL**

09-CV-5444 (DGT)(JO)

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**WHEREAS**, Plaintiff Marcus Reyes commenced this action by filing a complaint on December 14, 2009, and an amended complaint on June 18, 2010, alleging that defendants City of New York ("City"), Amado Batista ("Batista"), Undercover #036 ("UC #036), Sergeant Timothy Deevy ("Deevy"), Detective Daniel Howell ("Howell"), Detective Manuel Sanchez ("Sanchez"), Detective Gregory Perpall ("Perpall"), Detective Anthony Schaffer ("Schaffer") and Detective Albert Roman ("Roman") violated Plaintiff's federal civil and state common law rights; and

**WHEREAS**, defendants have denied any and all liability arising out of Plaintiff's allegations; and

**WHEREAS**, the parties now desire to resolve the issues raised in this litigation, without further proceedings and without admitting any fault or liability;

**WHEREAS**, Plaintiff has authorized his counsel to settle this matter on the terms set forth below;

**NOW, THEREFORE, IT IS HEREBY STIPULATED AND AGREED**, by and between the undersigned, as follows:

1. The above-referenced action is hereby dismissed, with prejudice, and without costs, expenses, or fees in excess of the amount specified in paragraph "2" below.

2. The City of New York hereby agrees to pay Plaintiff the sum of Twenty Two Thousand Five Hundred (\$22,500.00) Dollars in full satisfaction of all claims, including claims for costs, expenses and attorneys' fees. In consideration for the payment of this sum, Plaintiff agrees to dismissal of all of his claims against defendants and to release defendants, any present or former employees and agents of the City of New York, or any agency thereof, from any and all liability, claims, or rights of action that were or could have been alleged by Plaintiff arising out of the events alleged in the complaint and amended complaint in this action, including claims for costs, expenses and attorneys' fees.

3. Plaintiff shall execute and deliver to defendants' attorney all documents necessary to effect this settlement, including, without limitation, a General Release based on the terms of paragraph 2 above and an Affidavit of Status of Liens.

4. Nothing contained herein shall be deemed to be an admission by defendants that they have in any manner or way violated Plaintiff's rights, or the rights of any other person or entity, as defined in the constitutions, statutes, ordinances, rules or regulations of the United States, the State of New York, or the City of New York or any other rules, regulations

or bylaws of any department or subdivision of the City of New York. This stipulation shall not be admissible in, nor is it related to, any other litigation or settlement negotiations.

5. Nothing contained herein shall be deemed to constitute a policy or practice of the City of New York or any agency thereof.

6. This Stipulation and Order contains all the terms and conditions agreed upon by the parties hereto, and no oral agreement entered into at any time nor any written agreement entered into prior to the execution of this Stipulation and Order regarding the subject matter of the instant proceeding shall be deemed to exist, or to bind the parties hereto, or to vary the terms and conditions contained herein.

Dated: Brooklyn, New York

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ROBERT MARINELLI, ESQ.  
Attorney for Plaintiff  
305 Broadway, 14<sup>th</sup> Floor  
New York, New York 10007  
(212) 822-1427

By:



ROBERT MARINELLI  
Attorney for Plaintiff

MICHAEL A. CARDOZO, ESQ.  
Corporation Counsel of the  
City of New York  
Attorney for Defendants  
100 Church Street  
New York, New York 10007  
(212) 788-1652

By:



MATTHEW J. MODAFFERI  
Assistant Corporation Counsel

SO ORDERED:

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U.S.D.J